

nominees. What they do is they make the nominees list all the major cases they have handled, list the judges who tried those cases, list the names of the lawyers on the other side of the cases, and who their clients were. These ABA people—and I like what they do—go out and talk to a lawyer on the other side of the case. They talk to the judge: How did these lawyers handle themselves? Did they conduct themselves with integrity? Were they skilled in argument? Did they understand and make common-sense arguments? Are they hard to deal with? Irritable? Duplicious and sneaky? That is what they do. They came out and gave her the highest possible rating after doing all of that. That is the reason why I would ask how a person with her background, her skill, her experience, with that kind of rating of the ABA—why they would pick her to try to block? I hope it is not so, really. I hope we do not have a filibuster on this case like we do, in fact, have with Miguel Estrada. Maybe we will and maybe we will not.

I just cannot believe it, frankly. I cannot believe it is possible that Members of this body would conduct a filibuster against a candidate for the court of appeals as qualified, as superbly qualified as Priscilla Owen. It is just beyond my comprehension that that could ever occur here.

There is not one hint she has anything other than the highest integrity. There is no doubt she is brilliant. There is no doubt she has given her life to the law and knows it and that is what she has done throughout her career. She loves the law. She respects it and she cares about it. She cares about it deeply enough to enforce the law as written, whether or not she agrees with it. She will follow Supreme Court rulings even if she were to disagree with them, like she repeatedly pledged to do, because she is a lawyer and a judge who believes in the rule of law.

I think we will be facing a very sad event here in the next day or so if we end up with further objections—objections to bringing her up for a vote, in effect having a filibuster. It is just beyond my comprehension.

In the history of this country, we have never had a filibuster of a court of appeals judge or a district judge. The Constitution says by advice and consent the Senate, in effect, will confirm or reject a President's nominee. The clear meaning of that statute and the way it is written leaves no doubt that it means a majority vote. Yet through the utilization of the filibuster rule, some in this body are using a rule that has never before been used for a court of appeals judge or district court judge in the history of this country. The effect has been to ratchet that up to a 60-percent vote—you have to have 60 votes here.

You know from Miguel Estrada, he has already received 54 or 55 votes for confirmation, which is a clear majority. But because he does not have a 60-

vote margin, he is not able to come up for an up-or-down vote.

I hope we are not going to see that in the case of Priscilla Owen. She is entitled to an up-or-down vote. She is entitled to be confirmed as a Justice on the Fifth Circuit Court of Appeals. President Bush knew her, he knew her reputation. He picked one of the finest people who could be picked for any court of appeals position anywhere in this country, right in his home State of Texas. Is that why they are objecting to her, because it is his State? I don't know. But it cannot be on the merits.

I have looked at this matter. I have seen the arguments. I attended her hearing. I saw how well she handled herself. I believe and I hope and pray this body will not descend into a pattern of filibuster of nominees for the courts of appeals of this country, or for the district courts, or even for the Supreme Court of the United States. That would be a terrible alteration of our traditions, maybe even be in violation of the Constitution, which says a majority vote is what it takes to advise and consent on Presidential nominees. It is something we ought to think very seriously about.

I hope my colleagues will not take that route and will give her an up-or-down vote. If they do, I have no doubt she will be confirmed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the order of the Senate of April 3, 2003, the Senate having received H.R. 1559, all after the enacting clause is stricken and the text of S. 762 is inserted in lieu thereof; H.R. 1559 is read the third time and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Under the previous order, the passage of S. 762 is vitiated and the bill is placed back on the calendar.

The Senator from Alabama.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 807 are

printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RENAMING THE GUAM SOUTH ELEMENTARY/MIDDLE SCHOOL OF THE DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS ELEMENTARY AND SECONDARY SCHOOLS SYSTEM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 672, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 672) to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 672) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101-509, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

ORDERS FOR TUESDAY, APRIL 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, April 8. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:30 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or his designee; provided that at 10:30 a.m., the Senate return to executive session and resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 p.m.